## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

BLUEWATER MUSIC SERVICES	)	
CORP.,	)	
Plaintiff,	) ) )	CASE NO. 3:09-00934 JUDGE HAYNES
<b>v.</b>	)	
	)	
TENNESSEE PRODUCTION	)	
CENTER, INC.	)	
	)	
Defendant.	)	

## ORDER

Before the Court is Plaintiff's second motion for default judgment (Docket Entry No. 12), requesting injunctive relief, statutory damages and attorney's fees. The Clerk of the Court previously entered a default against Defendant Tennessee Production Center, Inc. (Docket Entry No. 11), due to the Defendant's failure to answer or otherwise respond to the Plaintiff's complaint. For the reasons set forth below, Plaintiff's second motion for default judgment (Docket Entry No. 12) is **GRANTED**.

Plaintiff avers that despite the Defendant's promises to provide accounting records regarding the use of Plaintiff's copyrighted songs, Defendant has failed to provide those records. Plaintiff has therefore been unable to ascertain the amount of actual damages incurred and requests an award for statutory damages pursuant to 17 U.S.C. § 504(c). The Court finds an award of statutory damages appropriate, and also finds that the infringement was committed willfully. Given the lack of a detailed record regarding the appropriate amount of damages, the Court deems an award of \$1,000 per song infringed as just.

Accordingly, Plaintiff is AWARDED \$101,000.00 in damages against the Defendant for

copyright infringement of the 101 songs at issue. Further, Defendant is **PERMANENTLY ENJOINED** from manufacturing, distributing, marketing, offering, selling, disposing of, licensing, leasing, transferring, displaying, advertising or reproducing any works derived from or copied from Plaintiff's copyrighted compositions. Finally, Plaintiff is **AWARDED** its attorney's fees in an amount to be determined in accordance with Local Rule 54.01(b).

It is so **ORDERED**.

ENTERED this the \_\_\_\_\_\_ day of April, 2010.

WILLIAM J. HAYNES, JR. United States District Judge